

REMARKS

Responsive to the Office Action mailed July 2, 2010, Applicants provide the following. Claims 4, 22, 24, 40 and 41 are currently being amended, claims 43-45 are currently being added, and no claims are currently being canceled. Claims 15-21, 23 and 42 were previously canceled without prejudice. Therefore, claims 1-14, 22, 24-41 and 43-45 are currently pending in the application. Reconsideration of the pending claims in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Petition for Extension of Time

Applicants have submitted herewith a Petition and Fee for a Three-Month Extension of Time to extend the period for response to January 2, 2011.

Claim 17

The outstanding Office Action indicates that claim 17 is pending (e.g., Page 4). However, claim 17 was canceled without prejudice in the Amendment filed on July 30, 2009. Therefore, the rejection of that claim is moot.

Claim 41

As mentioned above in the statement of substance of the Examiner interview of December 22, 2010, the Examiner clarified during the interview that claim 41 has been rejected under 35 U.S.C. 101 but has not been rejected based on prior art. The Examiner indicated during the interview that amending claim 41 to overcome the rejection under 35 U.S.C. 101 would make claim 41 allowable.

Allowable Subject Matter

Applicants would like to thank the Examiner for indicating that claims 1-3 are allowed. (Office Action mailed 7/2/10, Office Action Summary, and page 2).

The Office Action indicates that claims 13, 29 and 30 are directed toward allowable subject matter and would be allowable if rewritten in independent form. (Office Action mailed 7/2/10, Office Action Summary, and page 2). Applicants respectfully request that this matter be held in abeyance until the remarks and amendments presented herein have been considered.

Claim Rejections - 35 U.S.C. §101

Claims 40 and 41 have been rejected under 35 U.S.C. 101 as allegedly not being directed to statutory subject matter. Applicants respectfully traverse these rejections.

Applicants have amended claims 40 and 41 to recite “A non-transitory computer readable medium” instead of “A computer readable medium”, as suggested by the Examiner. (See Office Action mailed 7/2/10, page 3). Therefore, the rejections should be withdrawn.

Applicants have also made some additional minor amendments to claim 41. Specifically, the claim has been amended to recite “the computer program configured to perform steps”, and to change “cut” to “cutting” and “project” to “projecting”. It is believed that these amendments improve the clarity of the claim and do not raise any new issues.

Therefore, Applicants assert that both claims 40 and 41 are now in a condition for allowance.

Claim Rejections - 35 U.S.C. §103

Claims 4-9, 14, 22, 24-28 and 31-36 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Document JP 09-035040 (Seki) in view of U.S. Patent No. 6,556,210 (Yamamoto et al.). Applicants respectfully traverse these rejections.

Page 20 of the Office Action indicates that in order to expedite prosecution the Examiner would like to suggest amendments to independent claims 22, 24 and 41 to recite the allowable subject matter of claim 1, and thus presumably make those claims allowable over the cited

references. (Office Action mailed 7/2/10, page 20). It is believed that the inclusion of claim 41 in this suggestion was a typographical error since, as mentioned above, the Examiner interview of December 22, 2010, clarified that claim 41 has not been rejected based on prior art. As such, claim 41 has not been amended in accordance with the suggestion.

In an effort to advance this application to allowance, Applicants have amended independent claims 22 and 24 to recite language similar to the Examiner's suggested amendments on page 20 of the Office Action. As such, Applicants assert the rejections of amended independent claims 22 and 24 should be withdrawn for at least the same reasons that claim 1 is allowable.

The Office Action does not provide a suggested amendment for independent claim 4. However, in an effort to advance this application to allowance, Applicants have amended independent claim 4 to recite language similar to the Examiner's suggested amendments on page 20 of the Office Action. As such, Applicants assert the rejection of amended independent claim 4 should be withdrawn for at least the same reasons that claim 1 is allowable.

Therefore, Applicants assert that the rejection of Applicants' amended independent claims 4, 22 and 24 should be withdrawn. Furthermore, the rejections of claims 5-9, 14, 25-28 and 31-36 should also be withdrawn for at least these same reasons due to their dependence on their respective independent claims.

Claims 10-12 and 37-39 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Seki in view of Fels et al., entitled "Techniques for Interactive Video Cubism". Applicants respectfully traverse these rejections.

Claims 10-12 depend from amended independent claim 4, and claims 37-39 depend from amended independent claim 22. Therefore, the rejections of claims 10-12 and 37-39 should also be withdrawn for at least the same reasons provided above due to their dependence on their respective amended independent claims.

The amendments presented herein and throughout the prosecution history of this application are for the purpose of pursuing the timely issuance of what is believed to be allowable subject matter. Thus, the amendments and any cancellation of claims should not represent a surrender of any subject matter, and Applicants specifically reserve the right to

present any of the claims in their originally filed form in one or more continuing applications.

New Claims

New dependent claims 43-45 have been added in the above amendment. Applicants assert that these new claims are supported by Applicants' original disclosure at least by Paragraphs [0007]-[0009], [0012], and [0035]-[0036], as well as original claims 1-2, 4-5, and 40, of the published version of Applicants' application (i.e. U.S. Pub. No. 2004/0130637 A1).

Applicants assert that new dependent claims 43-45 are allowable for at least the same reasons provided above for their respective amended independent claims due to their dependence on their respective amended independent claims.

Fees that are Believed to be Due

Fees were previously paid in this application for a total of 42 claims with 7 claims being independent claims. The above amendment results in there now being a total of 36 claims with 6 claims being independent claims. Thus, no extra claims fees are believed to be due.

As mentioned above, a Petition and Fee for a Three-Month Extension of Time is being submitted herewith.

CONCLUSION

Applicants submit that the amendments and remarks presented herein place all pending claims in condition for allowance and early notification of the same is respectfully requested.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

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